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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Spear et al.

Confirmation No.: 3399

Serial No.: 09/924,231

Art Unit: 1648

Filed: August 8, 2001

Examiner: Wortman, D.

For: PHARMACEUTICAL COMPOSITIONS  
COMPRISING HERPES VIRUS ENTRY  
RECEPTOR PROTEIN

Attorney Docket No.: 7853-239

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Assistant Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated October 18, 2002 of the Primary Examiner finally rejecting claims 1-5 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for three months:  
☐ was filed on  
☒ is submitted herewith.
2. ☒ A timely response to the final rejection has been filed.
3. ☒ A fee in the amount of \$320.00 is:  
☒ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☐ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$160.00 is:  
☐ Required.  
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date: April 18, 2003

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by: Muna Abu Shan  
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